



Legal Department

American Electric Power
1 Riverside Plaza
Columbus, OH 43215-2373
AEP.com

November 15, 2023

Ms. Tanowa Troupe, Secretary
Ohio Power Siting Board
180 East Broad Street
Columbus, Ohio 43215-3793

Hector Garcia
Senior Counsel –
Regulatory Services
(614) 716-3410 (P)
hgarcia1@aep.com

**RE: Proof of Compliance with Condition
Case No. 21-0613-EL-BNR
Buckeye Co-Op Extension - Fayette 138kV Line Rebuild Project**

Dear Ms. Troupe:

In satisfaction of Condition (2) of the Staff Report for this Project, Ohio Power Company submits this notice and attachment to inform you that the Ohio Environmental Protection Agency Authorization Under Isolated Wetland General Permit (Level One) has been approved for the above-referenced Project.

If you have any questions regarding this information, please do not hesitate to contact me.

Respectfully submitted,

/s/ Hector Garcia

Hector Garcia (0084517), Counsel of Record
Counsel for Ohio Power Company

cc: John Jones, Counsel OPSB Staff
Jon Pawley, OPSB Staff

August 30, 2023

TRANSMITTED ELECTRONICALLY

Jennifer Walker
AEP Ohio Transmission Company, Inc.
8600 Smiths Mill Road
New Albany, OH 43054
jlwalker2@aep.com

**Re: Solida Switch Project
Permit - Intermediate
Correspondence
401 Wetlands
Lawrence
DSW401238710W**

Subject: Grant Authorization under Isolated Wetland General Permit (Level One)
Solida Switch Project
Ohio EPA ID No. 238710W

Dear Jennifer Walker:

On June 30, 2023, the Ohio Environmental Protection Agency (Ohio EPA) received a pre-activity notice (PAN) for coverage under the OHIO GENERAL PERMIT FOR FILLING CATEGORY 1 AND CATEGORY 2 WETLANDS (general permit). In the PAN, you requested to impact 0.02 acres of non-forested Category 1 wetlands for the purpose of constructing a new substation and access road. The project is located near the intersection of C.R. 120 and Charley Creek Macedonia Rd in Lawrence County (38.44029, -82.529005). After an administrative review of the PAN, it was determined to be complete on August 30, 2023. As compensatory mitigation for the aforementioned impacts you provided proof of reservation of 0.10 in-lieu fee credits at the Nature Conservatory's Ohio Stream and Wetland In Lieu Fee Mitigation Program .

Ohio EPA has reviewed your request and subsequent information received on August 22, 2023 and has determined that it is complete and meets the PAN requirements for coverage under the general permit. In accordance with ORC Section 6111.021(C), this permit shall serve as the state's 401 water quality certification to the extent that any of these wetlands are deemed jurisdictional under the Federal Water Pollution Control Act.

In light of the following announcement from the US Army Corps of Engineers <https://www.usace.army.mil/Media/Announcements/Article/2888988/5-january-2022-navigable-waters-protection-rule-vacatur/>, Ohio EPA recommends applicants follow-up with the US Army Corps of Engineers to confirm compliance with federal regulations with regard to the vacatur of the Navigable Waters Protection Rule Approved Jurisdictional Determinations.

Please familiarize yourself with the general permit (see link below). It contains requirements and prohibitions with which you must comply. In particular, please be aware of permit conditions Part VI.F. requiring mitigation credit proof of purchase within 30 days of receipt of this authorization.

OHIO GENERAL PERMIT FOR FILLING CATEGORY 1 AND 2 ISOLATED WETLANDS

Additionally, please be aware that as per ORC §6111.022(E) and Part V of the general permit, the proposed filling of the isolated wetland(s) must be completed by August 30, 2025. If you do not complete the filling within this time, you must submit a new pre-activity notice to Ohio EPA.

You may find a copy of Ohio EPA's rules and laws online at <https://epa.ohio.gov/dsw>. Information regarding Ohio's Section 401 and Isolated Wetlands Permitting programs is also available online at <https://epa.ohio.gov/wps/portal/gov/epa/divisions-and-offices/surface-water/permitting/water-quality-certification-and-isolated-wetland-permits>.

If you have any questions, please contact me at (740) 380-5225 or via email at Brooke.Cherry2@epa.ohio.gov.

Sincerely,



Brooke Cherry
Application Coordinator
401/Wetlands/Mitigation Section

ec: Andrea Kilbourne, Andrea.Kilbourne@epa.ohio.gov, Ohio EPA, DSW, Mitigation Coordinator
Jeff Boyles, Jeffrey.Boyles@epa.ohio.gov, 401/Wetlands/Mitigation Section Supervisor, Ohio EPA
Wes Barnett, wes.barnett@usace.army.mil, Department of the Army, Huntington District, Corps of Engineers
Devin Schenk, dschenk@TNC.org, The Nature Conservancy
Shannon Hemmerly, AEP, sthemmerly@aep.com
Sarah Miloski, Arcadis, U.S., Inc., sarah.miloski@arcadi

**This foregoing document was electronically filed with the Public Utilities
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in

Case No(s). 21-0613-EL-BNR

Summary: Notice Proof of Compliance (Wetland) electronically filed by Hector Garcia-Santana on behalf of Ohio Power Company.